



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Carl A. Waldspurger, et al. GROUP ART UNIT: 2127

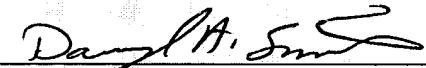
U.S.S.N.: 10/750,919 EXAMINER: Not Yet Assigned

FILING DATE: 31 December 2003

TITLE: *Generating and Using Checkpoints in a Virtual Computer System*

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5 August 2004.



Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF A NONPROVISIONAL APPLICATION**

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed 5 May 2004. A Declaration and Power of Attorney executed by inventors Carl A. Waldspurger, Michael Nelson, Daniel J. Scales and Pratap Subrahmanyam accompanies this Response, along with a Petition for Extension of Time Under 37 CFR 1.136(a) (1 month).

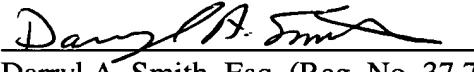
Applicant: Carl A. Waldspurger et al.
U.S.S.N. 10/750,919
Filing Date: 31 December 2003
Atty. Docket No.: A38

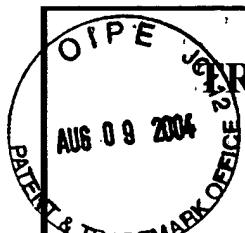
It is requested that all fees occasioned by this submission be charged to Deposit Account No. 50-2652.

In the event the Examiner deems personal contact desirable in disposition of this case, the Examiner is invited to call the undersigned attorney at (650) 384-4810.

Respectfully submitted,

Dated: 5 August 2004


Darryl A. Smith, Esq. (Reg. No. 37,723)
Attorney for Applicant
VMware, Inc.
3145 Porter Drive
Palo Alto, CA 94304
Telephone: 650-384-4810
Facsimile: 650-475-5005



**TRANSMITTAL
FORM**

Total Number of Pages in this Submission:

16

Application No.:	10/750,919
Filing Date:	31 December 2003
First Named Inventor:	Carl A. Waldspurger
Group Art Unit	2127
Examiner:	Not Yet Assigned

Docket No.

A38

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Authorizing the Commissioner to charge Deposit Account No. 50-2652 (in duplicate)	<input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)]
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl. 	<input checked="" type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Extension of Time Request for 1 Months	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Revocation of Power of Attorney	<input checked="" type="checkbox"/> Certificate of First Class Mailing
<input checked="" type="checkbox"/> Copy of Assignment Recordation Cover Sheet	<input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B—Issue Fee Transmittal"	<input type="checkbox"/> Certificate of Express Mail Mailing
<input checked="" type="checkbox"/> Certified Copy of Priority Document(s)	<ul style="list-style-type: none"> <input type="checkbox"/> Formal Drawings, labeled <input type="checkbox"/> Letter/Transmittal to Official Draftsperson <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Status Inquiry 	<ul style="list-style-type: none"> <input type="checkbox"/> Postcard <input type="checkbox"/> Additional Enclosures:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

5 August 2004

Date

Tel: (650) 384-4810
Fax: (650) 475-5005

Darryl A. Smith, Esq. (Reg. No. 37,723)

VMware, Inc.

3145 Porter Drive
Palo Alto, CA 94304

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and above-referenced enclosures are being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) .

5 August 2004

Darryl A. Smith

Typed or printed name of person signing certificate

IPW/



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,919	12/31/2003	Carl A. Waldspurger	A38



Darryl A. Smith
 VMware, Inc.
 3145 Porter Drive
 Palo Alto, CA 94304

CONFIRMATION NO. 1896
FORMALITIES LETTER



OC000000012529165

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

08/10/2004 MAHMED1 00000003 502652 10750919

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

AG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Fee Transmittal For FY 2004 <small>AUG 09 2004</small> <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	10/750,919
		Filing Date	31 December 2003
		First Named Inventor	Carl A. Waldspurger
		Examiner Name	Not yet assigned
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2127
TOTAL AMOUNT OF PAYMENT (\$) 280		Attorney Docket No.	A38

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Other None
 Order

 Deposit Account

Deposit Account Number **50-2652**
 Deposit Account Name **VMware, Inc.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account

FEE CALCULATION
1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2004	80	Provisional filing fee	

SUBTOTAL (1) **(\$)**
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

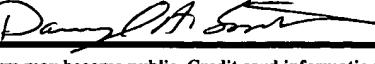
Total Claims	Independent Claims	Multiple Dependent	Fee from below		
			Extra Claims		Fee Paid
			-20** =	X 18.00	=
				X 86.00	=
					=

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) **(\$)**
** or number previously paid, if greater; For Reissues, see above
FEE CALCULATION (continued)
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	Surcharge – late filing fee or oath	130
1052	50	Surcharge – late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2520	For filing a request for ex parte reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	110
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1480	Extension for reply within fourth month	
1255	2010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1451	1510	Petition to institute a public use proceeding	
1452	110	Petition to revive – unavoidable	
1453	1330	Petition to revive – unintentional	
1501	1330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1503	640	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basid Filing Fee Paid			
SUBTOTAL (3) (\$) 280			

SUBMITTED BY
Complete (if applicable)

Name (print/Type)	Darryl A. Smith	Registration No. (Attorney/Agent)	37,723	Telephone	650-384-4810	
Signature					Date	5 August 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.